



Department of Planning, Housing, & Community Development

Mayor, Richard C. David
Director, Jennie Skeadas-Sherry

STAFF REPORT

TO: Planning Commission Members
FROM: Planning Housing and Community Development
DATE: June 12, 2014
SUBJECT: 120 Hawley Street; Series A Site Plan Review
TAX ID #: 160.50-1-2
CASE: 2014-28

A. REVIEW REQUESTED

This request would provide for the construction of ~25,000ft², two-story mixed-use industrial and professional office facility and a parking area with 131 parking spaces. The subject site is located in both the C-2 Downtown Business District and the R-3 Residential Multi Unit Dwelling District. Per § 410-45, all new construction is subject to site plan approval from the Planning Commission.

B. ADDITIONAL REVIEWS

Because the proposed project will result in the disturbance of over one acre, a Stormwater Pollution Prevention Plan (SWPPP) is required. The Engineering Department will review the proposed site plan and the SWPPP when submitted. The SWPPP must be approved before building permits are issued.

A portion of the site for the proposed project is zoned R-3, Residential Multi Unit Dwelling. The applicant's proposed uses are not permitted in this district and, therefore, require a Use Variance from the Zoning Board of Appeals for that portion of the site.

C. STAFF COMMENTS

The applicant should submit a landscaping plan showing the size and species of proposed plantings and quantifying canopy coverage and the percentage of the interior parking area to be landscaped.

D. SITE REVIEW

The proposed site is ~2.28 acres and is bounded by Hawley Street on the north, Carroll Street on the east and Lisle Avenue on the south. The western boundary of the site runs south of the southeastern corner of Myrtle Avenue and Hawley Street.

Uses in the vicinity are primarily office to the north and west, residential and recreational space to the east,

and multi-family residential to the south.

E. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

117 Hawley Street – In 2006, Planned Parenthood was granted a Special Use Permit and Series A Site Plan Review approval to establish a medical clinic.

43-45 Carroll Street – In 2007, a Use Variance to establish a school in the R-3 Residential Multi-Unit Dwelling District was denied.

F. STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Site Plan Modification application, the Planning Commission should refer to the guidelines for reviewing a Series A Site Plan application. Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 must be complied with. The requirements for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.

5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 806, and egress and ingress to parking and loading areas are so designed as to minimize the number of curbcuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 503 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 806. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

G. ENVIRONMENTAL IMPACT

Because of the involvement of other agencies, coordinated review must be undertaken and only one lead agency may issue a declaration. The Zoning Board of Appeals must be the lead agency for this project, as the Use Variance for the project must be granted prior to site plan approval from the Planning Commission.

H. STAFF FINDINGS

The Planning Commission must determine if the requirements of Section 410-47 for a Series A Site Plan Review have been met.

I. SUGGESTED CONDITIONS

If the Planning Commission approves this project, Staff recommends that the following condition of approval be included:

1. Prior to and ongoing throughout demolition, grading, and/or construction activities the project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit, GP-0-10-001) issued by the New York Department of Environmental Conservation (DEC). The project applicant must file a notice of intent (NOI) with the DEC. The project applicant shall prepare a stormwater pollution prevention plan (SWPPP) and submit the plan for review and approval by the City of Binghamton Stormwater Management Officer or his designee. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a

list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project.

J. ENCLOSURES

Enclosed is a copy of the site plan, site photographs and application.